

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>GENE COGGINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.:</b>
	)	<b>3:07-cv-1028-WKW</b>
<b>JERRY THROWER and CITY OF</b>	)	
<b>LANETT, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION TO MOOT MOTION FOR DEFAULT AND DEFAULT JUDGMENT**

COME NOW the Defendants, Jerry Thrower and City of Lanett, by and through their attorney of record, and respectfully request the Court to moot the Plaintiff's Motion for Default Judgment. As reasons therefore, the Defendants would state as follows:

1. Based upon the Court records, there was not an order issued granting the motion for leave to proceed in forma pauperis until December 13, 2007. Further, on that date, service of the Complaint was stayed pending review.

Therefore, the Plaintiff's Motion for Default is premature and there has been no adequate service of a filed complaint in this action thus far.

Respectfully submitted,

/s/ T. Randall Lyons  
T. RANDALL LYONS (LYO006)  
Attorney for Thrower and City of Lanett

OF COUNSEL:

Webster, Henry, Lyons & White, P.C.  
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334-264-9472  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this date of January 4, 2008, electronically filed the foregoing with the Clerk of the Court using the State of Alabama's electronic filing system which will send notification and a copy of such filing to the following counsel of record:

Gene Coggins  
1436 County Road 299  
Lanett, Alabama 36863

/s/ T. Randall Lyons  
OF COUNSEL